

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**James M. Kukol**  
**Rose M. Kukol**  
**aka Rosemarie Kukol**  
Debtor(s)

Bankruptcy Case No.: 16-21881-GLT  
Issued Per 11/17/2016 Proceeding  
Chapter: 13  
Docket No.: 50 - 44  
Concil. Conf.: November 17, 2016 at 09:00 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED  
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

**(1.) PLAN CONFIRMATION:**

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated October 4, 2016 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Nov. 17, 2016 at 09:00 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Claim No. 6 of HEMAP and Claim No. 1 of Vasco FCU .
- ☒ H. Additional Terms: A fee Application is needed if any fee (including retainer) exceeds \$4,000.00 including any fees paid to prior counsel.

Bank of NY Mellon Claim No. 8 following payment amount of \$630.00 per month from month 1 forward unless a notice of mortgage payment change exceeding this amount is filed.

**(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

**B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**C. Review of Claims Docket and Objections to Claims.** Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

**A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

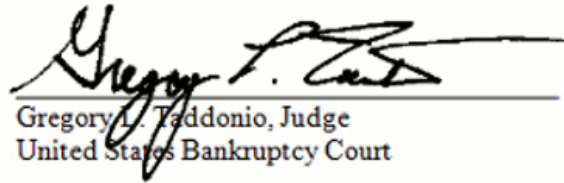
**B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**D.** Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Gregory A. Taddonio, Judge  
United States Bankruptcy Court

Dated: November 18, 2016

cc: All Parties in Interest to be served by Clerk in seven (7) days

**Certificate of Notice Page 4 of 5**  
 United States Bankruptcy Court  
 Western District of Pennsylvania

In re:  
 James M. Kukol  
 Rose M. Kukol  
 Debtors

Case No. 16-21881-GLT  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0315-2

User: dbas  
 Form ID: 149

Page 1 of 2  
 Total Noticed: 23

Date Rcvd: Nov 18, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 20, 2016.

db/jdb	+James M. Kukol, Rose M. Kukol, 1407 Beech Dr., Latrobe, PA 15650-2745
cr	+BANK OF AMERICA, N.A., 2380 Performance Dr, Richardson, TX 75082-4333
14232244	Bank of America, P.O. Box 15227, Wilmington, DE 19886-5227
14232245	+Capital One, P.O. Box 71083, Charlotte, NC 28272-1083
14232247	+Capital One Bank, P.O. Box 71083, Charlotte, NC 28272-1083
14255199	Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
14232250	+Chase (slate), P.O. Box 94014, Palatine, IL 60094-4014
14232252	+Juniper, P.O. Box 13337, Philadelphia, PA 19101-3337
14267206	+MIDLAND FUNDING LLC, PO Box 2011, Warren, MI 48090-2011
14232255	PAMS, 336 Delaware Ave. Dept. P-GL, Oakmont, PA 15139-2138
14232256	PAMS, 336 Delaware Ave. Dept. P-UT, Oakmont, PA 15139-2138
14232257	Seterus, P.O. Box 1077, Hartford, CT 06143-1077
14295835	+Seterus, Inc., as the authorized servicer for F, P.O. Box 1047, Hartford CT 06143-1047
14288071	THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YO, Bank of America, PO Box 31785, Tampa, FL 33631-3785
14232258	+Unity Township- Westmoreland Co, Mark Burkhardt, Tax Collector, 152 Beatty County Rd., Latrobe, PA 15650-5464
14232259	+Vasco Federal Credit Union, 432 Depot St., Latrobe, PA 15650-1567

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14232249	E-mail/PDF: gecsedirecoverycorp.com Nov 19 2016 01:57:55	Care Credit, P.O. Box 960061, Orlando, FL 32896-0061
14232251	E-mail/Text: blegal@phfa.org Nov 19 2016 01:52:12	HEMAP, 211 North Front Street, PO Box 15206, Harrisburg, PA 17105-5206
14232254	E-mail/PDF: gecsedirecoverycorp.com Nov 19 2016 01:57:25	Lowe's, P.O. Box 530914, Atlanta, GA 30353-0914
14255973	E-mail/Text: blegal@phfa.org Nov 19 2016 01:52:12	PHFA/HEMAP, 211 NORTH FRONT ST, PO BOX 8029, HARRISBURG, PA 17105
14294753	E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Nov 19 2016 02:07:25	Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
14289819	E-mail/PDF: gecsedirecoverycorp.com Nov 19 2016 01:57:26	Synchrony Bank, c/o Recovery Management Systems Corp, 25 SE 2nd Ave Suite 1120, Miami FL 33131-1605
14295885	+E-mail/Text: bankruptcy@firstenergycorp.com Nov 19 2016 01:52:19	West Penn Power, 5001 NASA Blvd, Fairmont, WV 26554-8248

TOTAL: 7

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr	Seterus, Inc., as the authorized servicer for F
cr	THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YO
cr	THE BANK OF NEW YORK MELLON, Et Al...
14232246*	+Capital One, P.O. Box 71083, Charlotte, NC 28272-1083
14232248*	+Capital One Bank, P.O. Box 71083, Charlotte, NC 28272-1083
14232253*	+Juniper, P.O. Box 13337, Philadelphia, PA 19101-3337
14232260*	+Vasco Federal Credit Union, 432 Depot St., Latrobe, PA 15650-1567

TOTALS: 3, \* 4, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Nov 20, 2016

Signature: /s/Joseph Speetjens

**CM/ECF NOTICE OF ELECTRONIC FILING**

District/off: 0315-2

User: dbas  
Form ID: 149

Page 2 of 2  
Total Noticed: 23

Date Rcvd: Nov 18, 2016

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 18, 2016 at the address(es) listed below:

Abagale E. Steidl on behalf of Debtor James M. Kukol asteidl@steidl-steinberg.com,  
Julie.steidl@steidl-steinberg.com;leslie.nebel@steidl-steinberg.com;abby.steidl@me.com;npalashoff  
@steidl-steinberg.com  
Abagale E. Steidl on behalf of Joint Debtor Rose M. Kukol asteidl@steidl-steinberg.com,  
Julie.steidl@steidl-steinberg.com;leslie.nebel@steidl-steinberg.com;abby.steidl@me.com;npalashoff  
@steidl-steinberg.com  
Andrew F Gornall on behalf of Creditor THE BANK OF NEW YORK MELLON, Et Al...  
agornall@goldbecklaw.com, bkgroup@goldbecklaw.com;bkgroup@kmlawgroup.com  
Jeniece D. Davis on behalf of Creditor Seterus, Inc., as the authorized subservicer for  
Federal National Mortgage Association ("Fannie Mae"), creditor c/o Seterus, Inc.  
jeniece@mvrlaw.com, bonnie@mvrlaw.com  
Joshua I. Goldman on behalf of Creditor THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK  
AS SUCCESSOR INDENTURE TRUSTEE TO JPMORGAN CHASE BANK, N.A., AS INDENTURE TRUSTEE FOR THE CWABS  
REVOLVING HOME EQUITY LOAN TRUST, SERIES 2004-K bkgroup@kmlawgroup.com  
Joshua I. Goldman on behalf of Creditor THE BANK OF NEW YORK MELLON, Et Al...  
bkgroup@kmlawgroup.com  
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov  
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 8